

Remarks

Pursuant to the restriction requirement expressed by the examiner telephonically on or about January 11, 2007, Applicants affirm the election of the invention of Group I, claims 1-5, and 18. Applicants further elect the species of formulas Ia and Ib found on page 13 of the specification.

The examiner rejects claims 1,2,5 and 18 under 35 U.S.C. 102(b) as being anticipated by Staub et al. or Laakso et al. Applicants respectfully traverse. A more careful review of Staub et al. and Laakso et al., will reveal that neither teach nor suggest the claimed compounds where if R₄ is hydrogen then R₃ cannot be hydrogen. Additionally, neither reference disclose or suggest compounds where R₄ is (b), (c) or (d) as with the instantly claimed invention. Thus, one of ordinary skill in the art could not be anticipated by Staub et al or Laakso et al. either alone or in combination.

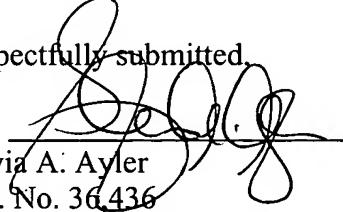
Claims 3 and 4 are rejected over 35 U.S.C. § 103(a) in view of Staub et al. Specifically, the examiner states that Staub et al., relates to paspalinine derivatives and that one or ordinary skill in the art would have been motivated to make the claimed compounds.

Although Staub et al., relates to paspalinine derivatives, it in no way teaches or suggests the compounds of the instant invention. and their use as Maxi-k Channel blockers for treating glaucoma and ocular hypertension. In fact, Staub et al. is directed to use of its compounds as an insecticide. There is no mention of an ocular indication as with the claimed invention. Hence, the claimed invention could not have been obvious to one of ordinary skill in the art.

Regarding the objection to the specification, the examiner states that the abstract of the disclosure on page 2 is missing text. However, applicants believe the examiners referring to the "Background of Invention" section. A review of this section shows no missing text. Applicants do admit, however, the presence of blank space on Page 2.

As a result of the amendments and remarks, Applicants believe the examiners concerns have been met and overcome. The examiner is therefore respectively requested to remove the objections and rejections.

Respectfully submitted,

By: 
Sylvia A. Ayler
Reg. No. 36,436
Attorney for Applicant(s)
MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-4909

Date: February 7, 2007